

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49520 of 2022

Arising Out of PS. Case No.-250 Year-2019 Thana- DIGHWARA District- Saran

NITISH RAI S/o Prithvi Rai Resident of Village - Madhopur, P.S. Shahpur,
Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 16-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered for the offence punishable under sections 188, 379, 384 of the IPC and Section 24 and 21 of the M.M.D. R. Act and 4/40 of Bihar Prevention of Illegal Mining Transportation Storage Act.

As per allegation in the FIR, accused persons are indulged in illegal excavation and transportation of sand by boat over which a dispute between two groups took place. Some criminals, who demanded ransom, from boat sailor, opened fire due to which Lallan Mahto died and then all boatman murdered one Indal Singh. When the police reached on spot, they arrested eight accused persons and lodged the FIR against 39 persons including the petitioner. On search, two motorcycles, one



country made pistol and one cartridge were recovered from the place of occurrence.

It is submitted by learned counsel for the petitioner that petitioner is innocent. He has been falsely implicated in this case. He is a simple labour who works there of loading the sand on boat. General and omnibus allegations have been levelled against him. Petitioner is in custody since 20.06.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned CJM, Saran at Chapra in connection with Dighwara P.S. Case No. 250 of 2019.

(Sunil Kumar Panwar, J)

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